

Thomas Alvord #14119
Reid Hudson (*PHV Forthcoming*)
The HQ Firm, P.C.
7533 S Center View CT #4424
West Jordan, UT 84084
385-440-4127
thomas@thehqfirm.com
reid.hudson@thehqfirm.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

Samantha Johnson and Cari Johnson,

Plaintiffs,

v.

**Republican National Committee,
NRSC, NRCC, and Congressional
Leadership Fund,**

Defendants.

Case No. 2:25-cv-452

**PROPOSED CLASS ACTION
COMPLAINT**

JURY DEMANDED

INTRODUCTION

1. Under Utah law, anyone who initiates telephone calls or messages to “seek a financial donation” is a “telephone solicitor” and must honor stop requests. UTAH CODE ANN. §§ 13-25a-102(8), -107.2.

2. Defendants are national political committees that, each year, send millions of unsolicited text messages seeking financial donations. Plaintiffs and other Utah residents have repeatedly asked Defendants to stop. But Defendants continue to send these messages.

3. Defendants’ conduct is not accidental. They knowingly disregard stop requests and purposefully use different phone numbers to make it impossible to block new messages.

4. Plaintiffs bring this putative class action to seek damages and injunctive relief.

JURISDICTION AND VENUE

5. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1332(d) because this is a class action in which the aggregate amount in controversy exceeds \$5,000,000, Plaintiffs and putative class members are citizens of Utah, and Defendants are citizens of D.C.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because a significant portion of the events giving rise to this lawsuit occurred in this district.

PARTIES

7. Plaintiff Samantha Johnson (“Samantha”) is a resident of Utah County, Utah. She is the user of the cell phone number 801-310-XXXX.

8. Plaintiff Cari Johnson (“Cari”) is a resident of Utah County, Utah. She is the user of the cell phone number 949-878-XXXX.

9. Defendant Republican National Committee (“RNC”) is a D.C. nonprofit corporation with its principal place of business in D.C.

10. Defendant NRSC (the legal name of the National Republican Senatorial Committee) is a D.C. nonprofit corporation with its principal place of business in D.C.

11. Defendant NRCC (the legal name of the National Republican Congressional Committee) is a D.C. nonprofit corporation with its principal place of business in D.C.

12. Defendant Congressional Leadership Fund (“CLF”) is a Delaware nonprofit corporation with its principal place of business in D.C.

LEGAL STANDARD

13. The Utah Telephone and Facsimile Solicitation Act provides that “[a] telephone solicitor may not make or cause to be made a telephone solicitation to a person who has informed the telephone solicitor, either in writing or orally, that the person does not wish to receive a telephone call from the telephone solicitor.” UTAH CODE ANN. § 13-25a-107.2.

14. “‘Telephone solicitation’ means the initiation of a telephone call or message for a commercial purpose or to seek a financial donation.” *Id.* 13-25a-102(8).

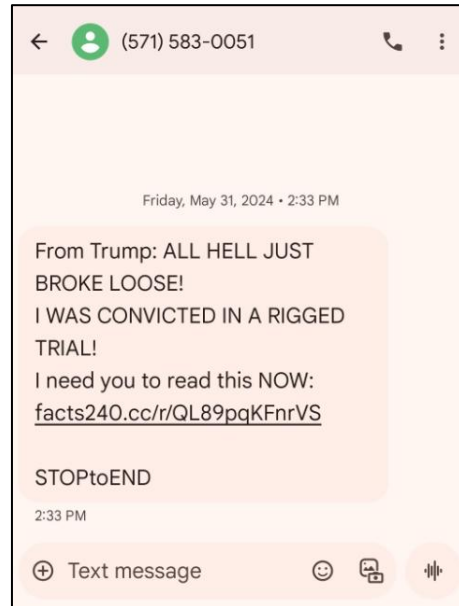
FACTUAL ALLEGATIONS

15. Over the last few years political spam has become a massive problem in the U.S.

16. The spam app Robokiller reports that in 2023, Americans received 253 million political robotexts. *Political Message Insights*, ROBOKILLER, www.robokiller.com/political-message-insights (last visited May 30, 2025).

17. Defendants are some of the most prolific contributors of this political spam.

18. Here is an example of a political spam text message sent by the RNC:



19. The purpose of all of Defendants' text messages is to seek financial donations.

20. Defendants' text messages contain hyperlinks. When clicked, the links all redirect to a donation page at Winred.com that asks for a financial donation. Here is an example:

A screenshot of a donation form titled "Donate Now!". At the top, there is a countdown timer showing "01 : 37" with "MINUTES" and "SECONDS" labels below the numbers. Below the timer are two rows of blue buttons with white text for donation amounts: "\$35", "\$47", "\$100" (which is highlighted in red), "\$250" in the first row, and "\$500", "\$1,000", "\$1,500", "\$300" in the second row. Below these buttons is a white button with the text "Other". Underneath the buttons, the text "Your contribution will benefit RNC." is displayed. At the bottom of the form, there is a checkbox with the text "I would like to cover the processing fee so 100% of my donation goes to RNC".

21. In Winred's own words: "WinRed is an online fundraising platform supported by a united front of the. . . RNC, NRSC, and NRCC."¹

22. Text messages with Winred links are not sent by Winred. Rather, they are sent by the political entities that are seeking financial donations.²

23. In the image above, it says, "Your contribution will benefit RNC." This indicates the RNC sent the text message that directed to that particular donation page.³

24. Like Plaintiffs, people nationwide are infuriated by Defendants' refusal to honor stop requests. Here are just a few examples from X.com (formerly Twitter). There are literally tens of thousands of similar complaints just on X.com alone:



¹ WinRed Help Center, FAQ, <https://support.winred.com/en/articles/9824817-faq> (last visited May 30, 2025).

² *Id.*

³ See Who Is Emailing or Texting Me?, <https://support.winred.com/en/articles/9205169-who-is-emailing-or-texting-me> (last visited May 30, 2025).

**Cosisiwa Shamatari** ✓

@cosisiwa18701



Don't give to @WINRED! If you give them your cellphone number, they will NEVER stop spamming you. If you reply "stop" they never stop spamming. They just keep changing the number they spam you from. They really suck.

2:15 PM · May 26, 2025 · 407 Views

**Buckeyegal**

@IHuntAncestors



I found out the hard way. I get anywhere from 5 to 20 a day. Just like you said, I reply "stop" and they just use a different number. I will NEVER donate another dime to @WINRED.

3:54 PM · May 26, 2025 · 12 Views

**Greg**

@optimystique123



I'm never donating to any candidate through @WINRED ever again. I still delete at least 10 to 30 text messages PER DAY. It doesn't matter how many times I unsubscribe or report them spam. It will never end. After 20 years, I am going to have to change my number because of these stupid texts.

7:57 PM · May 19, 2025 · 11 Views

**Candyrray** ✓

@candyrrayCMD



I will NEVER again donate to @WINRED
I am receiving 10-15 SPAM texts per day. I report each one and reply STOP, but each day lately there are at least 10 new numbers.

11:53 AM · May 15, 2025 · 99 Views

25. Defendants' messages are an intrusive invasion of Plaintiffs' privacy and solitude. The messages intrude into the tranquility of Plaintiff's homes and are a nuisance and annoyance. Plaintiffs want—and have repeatedly asked—to be left alone. The messages are especially invasive because Defendants use different numbers making it impossible to block new messages.

26. Plaintiffs never gave their number to Defendants nor consented to their messages.

27. Exhibit A contains a partial list of the text messages between Defendants and Plaintiffs in 2024. Defendants sent more messages to Plaintiffs in 2022, 2023, 2024, and 2025 that are not included in Exhibit A.

28. The table below summarizes Exhibit A and shows how relentless Defendants have been in spamming Plaintiffs: dozens of messages seeking financial donations, rotating phone numbers, repeated stop requests ignored, and continued messaging after being told to stop:

Summary of Exhibit A					
Entity	Recipient	# of Messages Defendant Sent	# of Phone Numbers Used	# of Stop Requests	# of Messages After First Stop
RNC	Samantha (Ex. A at 1–5)	17	16	12	9
	Cari (Ex. A at 6–13)	27	25	20	9
NRSC	Cari (Ex. A at 14–17)	10	10	9	8
NRCC	Samantha (Ex. A at 18–20)	7	7	5	3
	Cari (Ex. A at 21–25)	12	12	11	11
CLF	Samantha (Ex. A at 26–29)	7	7	7	6

CLASS ACTION ALLEGATIONS

29. Pursuant to Federal Rule of Civil Procedure 23(b)(2) and (b)(3), Plaintiffs propose the following four Classes:

The RNC Class

All Utah residents to whom the RNC sent two or more text messages, between June 6, 2022, and the date of class certification, after the resident said stop.

The NRSC Class

All Utah residents to whom the NRSC sent two or more text messages, between June 6, 2022, and the date of class certification, after the resident said stop.

The NRCC Class

All Utah residents to whom the NRCC sent two or more text messages, between June 6, 2022, and the date of class certification, after the resident said stop.

The CLF Class

All Utah residents to whom the CLF sent two or more text messages, between June 6, 2022, and the date of class certification, after the resident said stop.

30. The RNC Class contains over 10,000 people.

31. The NRSC Class contains over 10,000 people.

32. The NRCC Class contains over 10,000 people.

33. The CLF Class contains over 10,000 people.

34. The class sizes are based on Robokiller's data showing approximately 253 million political text messages in 2023 alone, as well as the voluminous online complaints regarding Defendants' spam. Thus, joinder of all class members is impracticable.

35. Defendants obtained the phone numbers of people to message from various sources, including voter registration records, public databases, and other compilations.

36. For each person Defendants message, Defendants know the state in which that person resides or likely resides.

37. Defendants, or their messaging vendor or platform, have records of the inbound and outbound messages they have sent and received since June 6, 2022.

38. Common questions of law and fact include whether Defendant's messages sought financial donations and whether class members received two or more messages after asking stop.

39. Plaintiffs' claims are typical of the claims of the class members. Plaintiffs' claims, like the class members' claims, arise out of the same common course of conduct by Defendants and are based on the same legal and remedial theories.

40. Plaintiffs are adequate representatives of the class because Plaintiffs' interests do not conflict with the interests of the class members, Plaintiffs will fairly and adequately protect the interests of the class members, and Plaintiffs are represented by counsel skilled and experienced in class actions, including telephone spam class actions.

41. Common questions of law and fact predominate over questions affecting only individual class members.

42. Management of these claims is likely to present significantly fewer difficulties than are presented in many class claims because the damages are statutory. Notice to class members can be provided by mail or other means. Class treatment is superior to multiple individual suits or piecemeal litigation because it conserves judicial resources, promotes consistency and efficiency of adjudication, provides a forum for small claimants, and deters illegal activities. There will be no significant difficulty in the management of this case as a class action.

43. The likelihood that individual class members will prosecute separate actions is remote due to the time and expense necessary to prosecute an individual case.

**FIRST CAUSE OF ACTION
RNC'S FAILURE TO HONOR STOP REQUESTS
(ON BEHALF OF THE RNC CLASS)**

44. The RNC violated UTAH CODE ANN. § 13-25a-107.2 by initiating, or causing to be initiated, two or more text messages soliciting financial donations to Plaintiffs and members of the RNC Class after they requested that the messages stop.

45. Plaintiffs and members of the RNC Class have been damaged and are entitled to an award of \$500 in statutory damages for each violation. UTAH CODE ANN. § 13-25a-107.

46. Plaintiffs' counsel is entitled to reasonable attorney's fees and costs. *Id.*

47. The Court should enjoin the RNC from initiating, or causing to be initiated, text messages soliciting financial donations to Utah residents who have made a stop request. *Id.*

SECOND CAUSE OF ACTION
NRSC'S FAILURE TO HONOR STOP REQUESTS
(ON BEHALF OF THE NRSC CLASS)

48. The NRSC violated UTAH CODE ANN. § 13-25a-107.2 by initiating, or causing to be initiated, two or more text messages soliciting financial donations to Cari and members of the NRSC Class after they requested that the messages stop.

49. Plaintiffs and members of the NRSC Class have been damaged and are entitled to an award of \$500 in statutory damages for each violation. UTAH CODE ANN. § 13-25a-107.

50. Plaintiffs' counsel is entitled to reasonable attorney's fees and costs. *Id.*

51. The Court should enjoin the NRSC from initiating, or causing to be initiated, text messages soliciting financial donations to Utah residents who have made a stop request. *Id.*

THIRD CAUSE OF ACTION
NRCC'S FAILURE TO HONOR STOP REQUESTS
(ON BEHALF OF THE NRCC CLASS)

52. The NRCC violated UTAH CODE ANN. § 13-25a-107.2 by initiating, or causing to be initiated, two or more text messages soliciting financial donations to Plaintiffs and members of the NRCC Class after they requested that the messages stop.

53. Plaintiffs and members of the NRCC Class have been damaged and are entitled to an award of \$500 in statutory damages for each violation. UTAH CODE ANN. § 13-25a-107.

54. Plaintiffs' counsel is entitled to reasonable attorney's fees and costs. *Id.*

55. The Court should enjoin the NRCC from initiating, or causing to be initiated, text messages soliciting financial donations to Utah residents who have made a stop request. *Id.*

FOURTH CAUSE OF ACTION
CLF'S FAILURE TO HONOR STOP REQUESTS
(ON BEHALF OF THE CLF CLASS)

56. The CLF violated UTAH CODE ANN. § 13-25a-107.2 by initiating, or causing to be initiated, two or more text messages soliciting financial donations to Samantha and members of the CLF Class after they requested that the messages stop.

57. Plaintiffs and members of the CLF Class have been damaged and are entitled to an award of \$500 in statutory damages for each violation. UTAH CODE ANN. § 13-25a-107.

58. Plaintiffs' counsel is entitled to reasonable attorney's fees and costs. *Id.*

59. The Court should enjoin the CLF from initiating, or causing to be initiated, text messages soliciting financial donations to Utah residents who have made a stop request. *Id.*

RELIEF REQUESTED

Plaintiffs respectfully requests the Court grant the following relief against Defendants:

- A. Certification of the proposed Classes;
- B. Appointment of Plaintiffs as class representatives;
- C. Appointment of the undersigned as counsel for the Classes;
- D. An award of damages to Plaintiffs and the Classes, as allowed by law;
- E. An order enjoining Defendants as set forth above; and
- F. Orders granting such other relief as the Court deems necessary, just, and proper.

JURY DEMAND

Plaintiffs request a jury trial as to all claims of the Complaint so triable.

ESI PRESERVATION DEMAND

Plaintiffs demand that Defendants preserve all electronically stored information (ESI) of the inbound and outbound text messages sent to or from Defendants or their agents to people in Utah, including the date, time, from number, to number, recipient, message content, delivery status, and final redirect URL. This demand applies to ESI from June 6, 2022, through class certification. If this ESI is held by vendors, SMS platforms, or other third parties, Defendants must either ensure it is preserved or retrieve it before it is routinely deleted. Under Rule 37(e), failing to take reasonable steps to preserve ESI may result in sanctions if this data is lost.

Dated: June 5, 2025

Respectfully submitted,

/s/ Thomas Alvord

Thomas Alvord